

## STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 9, 2006

## APPLICATION OF

TOLL ROAD INVESTORS  
PARTNERSHIP II, L.P.

CASE NO. PUE-2006-00081

Application for an Increase  
in the Maximum Authorized  
Level of Tolls

2006-08-09 14:24

CONTROL

ORDER FOR NOTICE AND COMMENT

On July 19, 2006, Toll Road Investors Partnership II, L.P. ("Toll Road Investors" or "Partnership"), filed with the State Corporation Commission ("Commission") its Application of Toll Road Investors Partnership II, L.P., for an Increase in the Maximum Authorized Level of Tolls ("Application") for the Dulles Greenway. On August 2, 2006, the Toll Road Investors supplemented their Application providing a proposed tariff illustrative of the maximum tolls and rate changes requested. Toll Road Investors also filed revisions to Exhibit A to the Application and testimony filed therein.

In this Application, the Toll Road Investors propose a price schedule that contains incremental increases in the maximum two-axle vehicle toll over five years. The maximum base toll for automobiles would rise from \$3.00, as now authorized to be effective July 1, 2007, to \$4.00 as of January 1, 2012.

The Toll Road Investors seek permission to implement congestion management price premiums that would permit the maximum base toll to be increased by about 20% for weekday peak period traveling - the busiest three-hour period for each direction of traffic. For example, according to the Application, effective January 1, 2009, if approved, the maximum base toll would be \$3.40, but the congestion management toll for eastbound morning traffic could be

\$4.00, a 60¢ premium over the non-peak toll. Ultimately, the Toll Road Investors seek authority to impose a toll of \$4.80 for peak period traveling effective January 1, 2012.

The Toll Road Investors also propose that the current relationship between tolls for automobiles and trucks (defined as vehicles with three or more axles) would be revised so that effective July 1, 2007, the maximum toll for trucks would be based on the number of axles on the vehicles. The toll for three-axle trucks would remain \$6.00, but the toll for four-axle trucks would increase to \$7.50, the toll for five-axle trucks would rise to \$9.00, and the toll for six-axle trucks (the maximum size category) would be \$10.50. Under this Application, the maximum toll for each category of truck would rise incrementally through January 1, 2012.

According to the Application, Toll Road Investors intend to continue to use the current provisions for notifying the public of any increases in the level of tolls within the maximum toll cap approved by the Commission.

NOW THE COMMISSION, upon consideration of the Application, finds that, as provided by § 56-542 of the Code of Virginia, this matter should be docketed. We will direct the Partnership to give notice of its Application. The Commission will accept comments on the Application filed as prescribed below in Ordering Paragraph (2), and we will consider requests for a hearing on the Application filed as prescribed in the same ordering paragraph.

Accordingly, IT IS ORDERED THAT:

(1) As provided by § 56-542 and related provisions of the Virginia Highway Corporation Act of 1988, Chapter 20 (§ 56-535 et seq.) of Title 56 of the Code of Virginia, this matter be docketed as Case No. PUE-2006-00081 and that all associated papers be filed therein.

(2) Comments on the Application and requests for a hearing may be filed by September 28, 2006, by either of the following methods:

A. Comments or requests for hearing may be submitted in writing to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. A copy of such comments or request for hearing shall simultaneously be sent to counsel for Toll Road Investors Partnership II, L. P., Richard D. Gary, Esquire, Hunton & Williams LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074. Requests for a hearing shall state why a hearing is necessary and why such issues cannot be adequately addressed in written comments. All correspondence shall refer to Case No. PUE-2006-00081.

Or

B. Comments or requests for hearing may be submitted electronically by following the instructions available at the Commission's website:

<http://www.scc.virginia.gov/caseinfo.htm>.

(3) On or before October 12, 2006, the Partnership may file with the Clerk an original and fifteen (15) copies of any responses to the comments filed as provided by Ordering Paragraph (2), and requests for hearing filed as provided by Ordering Paragraph (2).

(4) On or before September 7, 2006, the Partnership shall serve copies of this Order and its Application on the following officials: the mayor of the Town of Leesburg, the chairs of the boards of supervisors of Fairfax and Loudoun Counties, the chair of the Washington Metropolitan Airports Authority, the chair of the Commonwealth Transportation Board, and the Secretary of Transportation of the Commonwealth. Service shall be made by first-class mail or delivery to the customary place of business or residence of the official served.

(5) The Partnership shall publish in two successive weeks the following notice as display advertising (not classified) in a newspaper or newspapers of general circulation in the Counties of Fairfax and Loudoun. Publication shall be completed by September 7, 2006.

NOTICE TO THE PUBLIC OF AN APPLICATION  
BY TOLL ROAD INVESTORS PARTNERSHIP II, L.P.,  
TO REVISE TOLLS FOR THE DULLES GREENWAY  
STATE CORPORATION COMMISSION  
CASE NO. PUE-2006-00081

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increase to \$7.50, the toll for five-axle trucks would rise to \$9.00, and the toll for six-axle trucks (the maximum size category) would be \$10.50. Under this Application, the maximum toll for each category of truck would rise incrementally through January 1, 2012. The proposed maximum tolls are:

**DULLES GREENWAY**  
Toll Rate Structure for All Vehicles

**2-AXLE VEHICLES:**

	Maximum Base Tolls	Congestion Management Tolls
January 1, 2009	\$3.40	\$4.00
July 1, 2010	\$3.70	\$4.50
January 1, 2012	\$4.00	\$4.80

**VEHICLES WITH 3 AXLES OR MORE:**

	<u>Maximum Base Tolls</u>				
	3 axles	4 axles	5 axles	6 axles	6+ axles
July 1, 2007	\$6.00	\$7.50	\$9.00	\$10.50	\$10.50
January 1, 2009	\$6.80	\$8.50	\$10.20	\$11.90	\$11.90
July 1, 2010	\$7.40	\$9.25	\$11.10	\$12.95	\$12.95
January 1, 2012	\$8.00	\$10.00	\$12.00	\$14.00	\$14.00

  

	<u>Congestion Management Tolls</u>				
	3 axles	4 axles	5 axles	6 axles	6+ axles
July 1, 2007	N/A	N/A	N/A	N/A	N/A
January 1, 2009	\$8.00	\$10.00	\$12.00	\$14.00	\$14.00
July 1, 2010	\$9.00	\$11.25	\$13.50	\$15.75	\$15.75
January 1, 2012	\$9.60	\$12.00	\$14.40	\$16.80	\$16.80

The application may be inspected in the Commission's Document Control Center, Office of the Clerk of the Commission, First Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia, during Commission business hours.

The unofficial text of the Commission's orders in Case No. PUE-2006-00081, the application, and other documents may be viewed at the Commission's Docket Search, <http://www.scc.virginia.gov/caseinfo.htm>.

Comments on the application and requests for a hearing may be filed by September 28, 2006, by either of the following methods:

Comments or requests for hearing may be submitted in writing to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. A copy of such comments or request for hearing shall simultaneously be sent to counsel for Toll Road Investors II, L.P., Richard D. Gary, Esquire, Hunton & Williams LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074. Requests for a hearing shall state why a hearing is necessary and why such issues cannot be adequately addressed in written comments. All correspondence shall refer to Case No. PUE-2006-00081.

Or

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**TOLL ROAD INVESTORS PARTNERSHIP II, L.P.**

(6) On or before September 21, 2006, the Partnership shall file a certificate of the mailing notice to the officials listed in Ordering Paragraph (4), which shall include the name and address of the official served.

(7) On or before September 21, 2006, the Partnership shall file with the Clerk proof of the newspaper publication directed by Ordering Paragraph (5).

(8) This matter is continued pending further orders of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:

Richard D. Gary, Esquire, Hunton & Williams LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; and the Commission's Office of General Counsel and Divisions of Energy Regulation, Economics and Finance, and Public Utility Accounting.